IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE KURIAN JOSEPH
&
THE HONOURABLE MR. JUSTICE A.K.BASHEER

WEDNESDAY, THE 3RD JANUARY 2007 / 13TH POUSHA, 1928

RP.No. 1137 of 2006(U)

AGAINST THE JUDGEMENT/ORDER IN OP.27681/2002 Dated 30/06/2006
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: REVIEW PETITIONER/PETITIONER

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1. MADATHIL THAZHA ABRAHAM,
AYYAMKUNNU, ANGADIKKADAVU P.O.,
THALASSERY TALUK, KANNUR DISTRICT.

2. MADATHIL THAZHA MATHAI,
AYYAMKUNNU, ANGADIKKADAVU P.O.,
THALASSERY TALUK, KANNUR DISTRICT.

BY ADV. SRI.SERGI JOSEPH THOMAS

RESPONDENTS:
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1. THE STATE OF KERALA,
REP. BY ITS SECRETARY TO GOVERNMENT,
REVENUE DEPARTMENT, GOVT. SECRETARIAT,
THIRUVANANTHAPURAM.

2. THE DISTRICT COLLECTOR,
KANNUR DISTRICT.

3. THE TAHSILDAR,
THALASSERY, KANNUR.

4. THE VILLAGE OFFICER,
AYYAMKUNNU, THALASSERY.

5. THE TALUK LAND BOARD,
THALASSERY, REP. BY ITS CHAIRMAN,
KANNUR DISTRICT.

THIS REVIEW PETITION HAVING COME UP FOR ADMISSION ON 03/01/2007, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

KURIAN JOSEPH, J.

R.P.No.1137 of 2006 in O.P.No.27681/02

Dated 3rd January, 2007.

O R D E R

Heard the learned Government Pleader.

2. This review petition is at the instance of the writ petitioners. They approached this Court when steps were taken to evict them despite Ext.P3 pattayam. Since they had approached the Government, this Court directed the Government to take a decision on Ext.P8 representation. It is submitted that so far no orders have been passed by the Government. In the meanwhile, the Kerala Land Reforms(Amendment) Act, 2005 has been implemented. As per the said amendment, petitioners have an effective remedy under Section 106B to approach the Land Tribunal, since according to the petitioners, they are entitled to get the benefit of Section 7E of the Act. It is also seen that in view of Section 84(4) of the amended Act, the Government has no power to take a decision in the matter. In the above circumstances, the Review petition is allowed and the judgment dated 30.6.2006 in O.P.27681/02 is recalled.

KURIAN JOSEPH, JUDGE.

OP NO. 2

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KURIAN JOSEPH, J

O.P.No. of 2002

J U D G M E N T

Dated 21st December, 2006.